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Via ECF

U. S. Magistrate Judge William E. Callahan, Jr.
U.S. District Court, Eastern District of Wisconsin
517 East Wisconsin Avenue
Milwaukee, WI 53202

Re: Herrick v. Saftig
Case No. 09-C-1176

Dear Judge Callahan:

This letter is to request to modify the briefing schedule on the matters of (1) whether the direct action statute encompasses federally based negligence claims; and (2) whether the New Berlin Police & Fire Commission findings of fact are preclusive at the trial of our case.

The basis for the request is that my schedule was delayed due to protracted settlement discussions in two pending cases, and I expect to be out of Wisconsin between June 15th and June 21st. The modified schedule would require my initial brief on the 1st of July, response briefs on the 14th of July, and reply brief on the 21st of July. I have requested the consent of Attorneys Gunta and Reak and Paul Bucher. Attorney Reak is agreeable to this modification; I haven't heard from Attorney Bucher but have no reason to believe that he has any objection.

Thank you for your attention to this matter.

Very truly yours,

/s/ Walter F. Kelly

Walter F. Kelly

WFK: ad

Cc: Kim Herrick
Attorney Kevin Reak
Attorney Paul Bucher

Of Counsel

Hawks, Quindel, s.c.